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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA  
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12 UNITED STATES OF AMERICA, ) 2:98-cr-00035-HDM-RJJ  
13 Plaintiff, )  
14 vs. ) ORDER  
15 BRET ALLEN HUDSON, )  
16 Defendant. )  
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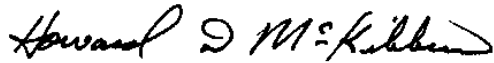
18 Before the court is the defendant's second request to waive  
19 the \$3,500 fine and \$585 in restitution imposed at his sentencing  
20 on September 14, 1998 (#152).

21 Absent a petition by the government, the court lacks  
22 jurisdiction to remit a fine imposed as part of a criminal  
23 sentence. See 18 U.S.C. § 3573; *United States v. Gonzalez*, 248  
24 F.3d 1128 (1st Cir. 2000) (unpublished disposition); *United States*  
25 *v. Linker*, 920 F.2d 1, 1-2 (7th Cir. 1990); *United States v.*  
26 *Benally*, 2009 WL 1286014, at \*1-2 (D. Ariz. 2009). The court also  
27 lacks authority to waive the mandatory restitution imposed in this  
28 case under the Mandatory Victims Restitution Act. See 18 U.S.C. §

1 3663A; *United States v. Roper*, 462 F.3d 336, 337-40 (4th Cir.  
2 2006); *United States v. Ammons*, 2011 WL 1060601, at \*1 (W.D.N.C.  
3 2011). Accordingly, the defendant's motion (#152) is **DENIED**.

4 **IT IS SO ORDERED.**

5 DATED: This 17th day of May, 2012.

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8 UNITED STATES DISTRICT JUDGE  
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